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OFFICE OF PETITIONS

In re Application of
Lida Nobakht et al.
Application No. 10/821,000
Filed: April 7, 2004
Attorney Docket No. CTV-002-1D

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: **DECISION GRANTING PETITION**
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This is a decision on the petition filed July 9, 2007 under 37 CFR 1.137 (b) to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **DISMISSED** as involving moot issues.

In response to a Final Office Action mailed June 13, 2006, a Notice of Appeal was filed with a three month extension of time on December 13, 2006. Pursuant to 37 CFR 1.192(a) an appeal brief (and fee required by 37 CFR 1.17(c)) were required within two months of the filing of the Notice of Appeal.

As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed December 13, 2006, petitioner assumed that the application was abandoned however, under the provisions of 37 CFR 1.136(a), an extension of time up to five months could have been obtained. As the period for extensions had not expired, the application is not abandoned and the petition to revive is premature.

In view thereof, and in accordance with the authorization to charge petitioner's deposit account, \$1080.00 has been charged to deposit account no. 50-0574 for a five month extension of time to make the filing of the Appeals Brief timely filed. The petition fee in the amount of \$750.00 has been credited back to deposit account no. 50-0574 as there is no need to treat the petition.

This application is being forwarded to Technology Center 2154 for review of the Appeal Brief filed July 9, 2007.

Telephone inquiries concerning this matter may be directed to the undersigned
Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions